

SEP 03 2013

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**U.S. BANKRUPTCY COURT
NEWARK, N.J.**

[Signature] **DEPUTY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

Prepared by:

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Chapter 11 Trustee*

In re

BIOLITEC, INC.,

Debtor.

MELANIE CYGANOWSKI, CHAPTER 11
TRUSTEE FOR BIOLITEC, INC. AND
ANGIODYNAMICS, INC.

v.

BIOLITEC U.S. INC.; BIOLITEC AG;
BIOLITEC MEDICAL DEVICES, INC.;
BIOMED TECHNOLOGY HOLDINGS
LTD.; CERAMOPTEC INDUSTRIES, INC.;
BIOLITEC HOLDING US, INC.; BIOLITEC
FZ LLC; WOLFGANG NEUBERGER; JACK
FURCHT; SCOTT COTE; CEMAL
SAGNAK; DAMIAN PLANGE; JOHN DOE
AND JANE DOE

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and

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Counsel for AngioDynamics, Inc.

Case No. 13-11157 (DHS)

Hon. Donald H. Steckroth

Chapter 11

Adv. Pro. No.: 13-1883 (DHS)

Sept 3, 2013

[Signature] 220-317.1 8/29/2013
Hector J.
wsbt

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Adv. Pro. No. 13-1883 (DHS)
Caption of Order: ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINTS

ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINTS

The relief set forth on the following pages is hereby:

ORDERED

THIS MATTER being brought before the Court by Plaintiffs Melanie Cyganowski, as Chapter 11 Trustee (“Trustee”) for the bankruptcy estate of Biolitec, Inc. (the “Debtor”), by and through her counsel, Otterbourg, Steindler, Houston & Rosen, P.C. and McDonnell Crowley LLC, and AngioDynamics, Inc. (“ADI”), by its attorneys, Bond Schoeneck & King, PLLC and Webber McGill, LLC seeking relief by way of Order to Show Cause with temporary restraints pursuant to Federal Rule of Bankruptcy Procedure 7065, based on the facts set forth in the Complaint and the brief filed in support of the application; and good and sufficient notice having provided to counsel for Defendants; and the Court having determined that it has jurisdiction over this action pursuant to 28 U.S.C. § 1334; and it appearing that immediate irreparable damage will result before the return date of this Order to Show Cause; and for good cause shown:

IT IS on this 3 day of ~~August~~^{Sept}, 2013:

ORDERED that Defendants Biolitec US, Inc (“New Biolitec”), Biolitec AG (“AG”), Biolitec Medical Devices, Inc. (“BMD”), Biomed Technology Holdings, Ltd. (“Biomed”), Ceramoptec Industries, Inc. (“Ceramoptec”), Biolitec Holding US, Inc. (“Holding”), Biolitec FZ LLC (“BFZ”), Wolfgang Neuberger (“Neuberger”), Jack Furcht (“Furcht”), Scott Cote (“Cote”) Cemal Sagnak (“Sagnak”), Damian Plange (“Plange”), John Doe and Jane Doe (collectively, the “Defendants”), shall appear and show cause before the Honorable Donald H. Steckroth, United States Bankruptcy Judge at the United States Bankruptcy Court, District of New Jersey, 50

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Walnut Street, Third Floor, Newark, New Jersey, 07102, Courtroom B (the "Bankruptcy Court"),
on the 23rd day of Sept., 2013, at 1⁰⁰ o'clock in the afternoon as soon thereafter as
counsel may be heard, why an order should not be entered:

- A. Enjoining Defendants preliminarily and during the pendency of this action from soliciting, canvassing or accepting any business or transaction from the Debtor's customers for New Biolitec, BMD, Holding, or any person, firm corporation of business similar to or in competition with any business of Debtor;
- B. Enjoining Defendants from soliciting any of Debtor's former or prospective customers or accepting any business or transaction with Debtor's former or prospective customers;
- C. Enjoining Defendants preliminarily and during the pendency of this action from contacting or communicating in any way with any of Debtor's former or prospective customers or attempting in any way to induce any of Debtor's former or prospective customers to curtail or cancel its business with AngloDynamics;
- D. Enjoining Defendants preliminarily and during the pendency of this action from possessing, accessing or using any proprietary, confidential or other protectable information formerly owned by the Debtor, including, but not limited to, any lists of former or prospective customers of the Debtor;
- E. Enjoining Defendants from filing or maintaining any pleading, action or proceeding impairing, or seeking to impair, AngloDynamics's possession or use or the value of the assets purchased from the Debtor;

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F. Granting Plaintiffs rights to expedited discovery and access to Defendants' files and computers to confirm compliance with any injunctive relief granted by the Court;

G. Granting such other and further relief as the Court deems just and proper; and it is

FURTHER ORDERED that, pending the hearing on the return date of this Order to Show Cause, each Defendant, and any party with notice or knowledge of this Order to Show Cause is temporarily enjoined and restrained from:

A. soliciting, canvassing or accepting any business or transaction for New Biolitec, BMD, Holding, or any person, firm corporation of business similar to or in competition with any business of Debtor;

B. soliciting any of Debtor's former ~~or prospective~~ customers or accepting any business or transaction with Debtor's former ~~or prospective~~ customers; DHS

C. contacting or communicating in any way with any of Debtor's former ~~or prospective~~ customers or attempting in any way to induce any of Debtor's former ~~or prospective~~ customers to curtail or cancel its business with AngloDynamics; DHS

D. filing or maintaining any pleading, action or proceeding impairing, or seeking to impair, AngloDynamics's possession or use or the value of the assets purchased from the Debtor;

E. continuing to provide services to any former customer of the Debtor; or

F. possessing, accessing or using any proprietary, confidential or other protectable information formerly owned by the Debtor, including, but not limited to, any lists of former ~~or prospective~~ customers of the Debtor; and it is DHS

FURTHER ORDERED that Defendant Neuberger shall personally appear and testify at DHS
~~the return date of this Order to Show Cause, and it is~~

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FURTHER ORDERED that,

A. Plaintiffs shall serve a copy of this Order to Show Cause, their Verified Complaint and Brief upon counsel for Defendants, Trenk, DiPasquale, Della Fera & Sodono, P.C. and the Griffith Firm by facsimile or electronic mail and by regular mail within 1 day(s) of the date hereof;

B. Defendants shall file and serve a written response to this Order to Show Cause on Sept 12, 2013 or before ~~August~~ 18, 2013. Defendants must also send a courtesy copy of any opposition papers directly to Judge Steckroth at the address listed above. Defendants shall also simultaneously serve, by facsimile or electronic mail, and by regular mail, their opposition papers upon all counsel for the Plaintiffs;

C. Plaintiffs must file and serve any reply to the Defendants' opposition by September 18, 2013;

D. Pursuant to Fed.R.Civ.P. 65(b)(4), Defendants may move to dissolve or modify the temporary restraints contained herein on two (2) business days notice to counsel for the Plaintiffs;

E. Pursuant to Fed.R.Bankr.P. 7065, Plaintiffs shall not be required to post a bond under Fed.R.Civ.P. 65(c);

F. If Defendants do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that Plaintiffs will file a proof of service and proposed form of order at least 2 days prior to the return date;

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G. The Court will entertain argument and testimony, on the return date of the Order
to Show Cause, unless the Court and parties are advised to the contrary no later than Sept. 20, 2013.
days(s)
before the return date.

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